LISTING OF THE CLAIMS

1-21. Canceled.

22. (Currently amended) A method of inducing killing or apoptosis of malignant or metastatic ~~p53-positive~~ cancer cells, comprising contacting said cells with a bicistronic construct comprising a single promoter controlling the expression of a sequence encoding p53 and a sequence encoding p14ARF, **wherein the gene encoding p14ARF is located in a first cistron downstream from the promoter and the gene encoding p53 is located in a second cistron downstream from p14ARF wherein the second cistron is translated from an internal ribosome entry site (IRES) located between the first and second cistrons,** whereby killing or apoptosis of said malignant or metastatic cells is induced.

23. Canceled.

24. (Previously Presented) The method of claim 22, wherein said bicistronic construct is in a vector, wherein said vector is selected from the group of vectors consisting of retroviral, adeno-associated viral, herpes simplex viral and cytomegaloviral vectors.

25. (Previously Presented) The method of claim 22, wherein said bicistronic construct is in a delivery vehicle, wherein said delivery vehicle is selected from the group consisting of a liposome, polylysine carrier complex, and naked DNA.

26. (Previously Presented) The method of claim 22, wherein said bicistronic construct is in a pharmaceutical composition.

27. (Previously Presented) The method of claim 22, further comprising administering said bicistronic construct in combination with one or more modes of therapy selected from the group consisting of radiation therapy and chemotherapy.

28. (Previously Presented) The method of claim 22, wherein said cancer cells are selected from the group consisting of head and neck cancer cells, breast cancer cells, lung cancer

cells, colon tumor cells, liver tumor cells, brain tumor cells, kidney tumor cells, skin tumor cells, ovarian tumor cells, and prostate tumor cells.

29. (Currently amended) A method of inducing growth arrest of malignant or metastatic ~~p53-positive~~ cancer cells, comprising contacting said cells with a bicistronic construct comprising a single promoter controlling the expression of a sequence encoding p53 and a sequence encoding p14ARF, **wherein the gene encoding p14ARF is located in a first cistron downstream from the promoter and the gene encoding p53 is located in a second cistron downstream from p14ARF wherein the second cistron is translated from an internal ribosome entry site (IRES) located between the first and second cistrons,** whereby growth arrest of said malignant or metastatic cells is induced.

30. Canceled.

31. (Previously Presented) The method of claim 29, wherein said bicistronic construct is in a vector, wherein said vector is selected from the group of vectors consisting of retroviral, adeno-associated viral, herpes simplex viral and cytomegaloviral vectors.

32. (Previously Presented) The method of claim 29, wherein said bicistronic construct is in a delivery vehicle, wherein said delivery vehicle is selected from the group consisting of a liposome, polylysine carrier complex, and naked DNA.

33. (Previously Presented) The method of claim 29, wherein said bicistronic construct is in a pharmaceutical composition.

34. (Previously Presented) The method of claim 29, further comprising administering said bicistronic construct in combination with one or more modes of therapy selected from the group consisting of radiation therapy and chemotherapy.

35. (Previously presented) The method of claim 29, wherein said cancer cells are selected from the group consisting of head and neck cancer cells, breast cancer cells, lung cancer

cells, colon tumor cells, liver tumor cells, brain tumor cells, kidney tumor cells, skin tumor cells, ovarian tumor cells, and prostate tumor cells.

36. (Previously Presented) The method of claim 22, wherein said p53 is human p53.

37. (Previously Presented) The method of claim 22, wherein said p14ARF is human p14ARF.

38. (Previously Presented) The method of claim 29, wherein said p53 is human p53.

39. (Previously Presented) The method of claim 29, wherein said p14ARF is human p14ARF.

40. (New) The method of claim 22 wherein said cancer cells are p53 positive cancer cells.

41. (New) The method of claim 29 wherein said cancer cells are p53 positive cancer cells.